

CBT Chapters

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Overview

As a State employee, you represent the State of Arizona. How you conduct yourself has a considerable impact on the way Arizona's citizens view their government. It is critical that you conduct yourself in a manner that is beyond reproach. This course provides an overview of State statutes and rules concerning the standards of conduct in public sector employment.



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Orientation to Public Service

In 1992, the Arizona Legislature passed Arizona Revised Statutes ([A.R.S. §§ 38-591](#) and [38-592](#)) which mandate that all State employees and officers complete an orientation to public service. In passing these statutes, the legislature stated

"It is the public policy of this state that all public officers and employees of this state shall discharge their public duties in full compliance with applicable laws concerning ethics conduct. To ensure that state public officers and employees know the standards of conduct against which their actions will be measured, information shall be provided to state departments, agencies, boards, commissions, and councils on compliance with laws on ethics..."



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Orientation to Public Service (continued)

In accordance with Arizona Revised Statutes ([A.R.S. §§ 38-591](#) and [38-592](#)), all State officers, employees, and volunteers are required to complete training related to the proper conduct of public business, including laws relating to

- Bribery
- Conflicts of Interest
- Contracting with the Government
- Disclosure of Confidential Information
- Discrimination
- Nepotism
- Financial Disclosure
- Gifts and Extra Compensation
- Incompatible Employment
- Misuse of Public Resources for Personal Gain
- Political Activity by Public Employees
- Public Access to Records
- Open Meeting Laws
- Conduct After Leaving One's Position with the Government



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Who Should Take This Course

This course is written for employees of State agencies, departments, boards, commissions, committees and councils. Modified versions of this course are available for Board and Commission members and State volunteers. The Attorney General's Office provides training to State elected officials and State agency heads.



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Disclaimer

Throughout this course, you will read summaries of State statutes and rules concerning the standards of conduct for State employees. These are only summaries and should not be used to replace the statutes and rules they represent. In the summaries, you will be able to link to the actual statutes and rules related to each topic. Please refer to these if you need additional information and consult with your agency's Human Resources office and/or legal counsel as necessary. Also, these statutes and rules can be amended over time. Be sure you keep up with these changes.



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Chapter Summary: Overview

This completes the Overview chapter. The next chapter discusses general conduct for State employment. Remember to clarify any questions you may have with your supervisor or your Human Resources office.

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General Conduct for State Employment

One of the forms each State employee is required to complete and sign, on or about the employee's first day of employment, is a "Loyalty Oath." This document states, in pertinent part, "...and that I will faithfully and impartially discharge the duties of the office of ..."

[Personnel Rule R2-5A-501](#), Standards of Conduct, requires that State employees shall at all times "maintain high standards of honesty, integrity, and impartiality, free from personal considerations or favoritism." The cited rule also requires employees to

- Be courteous, considerate, and prompt in interactions with and serving the public and other employees
- Conduct himself or herself in a manner that will not bring discredit or embarrassment to the State
- Comply with Federal and State laws and rules, and agency policies and directives



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Prohibited Conduct

[Personnel Rule R2-5A-501](#) also specifically states that State employees must not

- Use their official positions for personal gain or attempt to use, or use, confidential information for personal advantage
- Permit themselves to be placed under any kind of personal obligation that could lead a person to expect official favors
- Perform an act in a private capacity that may be construed to be an official act
- Accept or solicit anything of economic value that may be or appear to be designed to influence the employee's official conduct
- Directly or indirectly use or allow the use of State equipment or property for other than official purposes unless authorized by written policy or rule
- Inhibit another State employee from joining an employee organization
- Take disciplinary or punitive action against another employee that impedes or interferes with that employee's exercise of any right granted under the law or the State Personnel System Rules.

See [A.R.S. § 41-773](#) for details regarding causes for dismissal or discipline for covered employees.

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Prohibition Against Discrimination

Discrimination in employment is unlawful in the State of Arizona. [A.R.S. §§ 41-1461](#) through [41-1468](#) state that it is unlawful for any employer to discriminate based upon race, color, religion, sex, age or national origin or on the basis of disability - or to engage in unlawful employment practices. These laws also apply to employment agencies and labor organizations within Arizona, and align with federal laws prohibiting discrimination.

Note: This topic is covered in detail in the online course: LAW1002 Fair Employment Practices.

[41-1462](#)

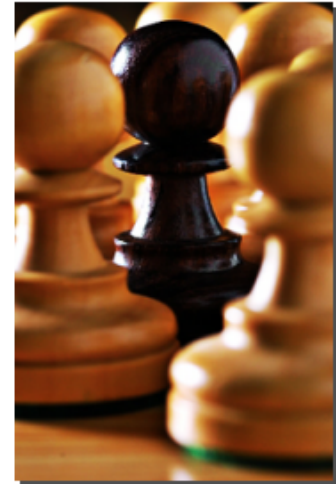
[41-1463](#)

[41-1464](#)

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Nepotism

Nepotism deals with the employment of relatives. The State Personnel System Rules define nepotism as a person related within the third degree of affinity (marriage) or consanguinity (blood) or by adoption. Persons related within the third degree include a spouse, child, parent, grandchild, grandparent, sister, brother, great grandchild, great grandparent, aunt, uncle, niece, nephew or first cousin.

The prohibitions regarding Nepotism are

1. An employee cannot have an immediate supervisor who is a relative.
2. Two or more relatives cannot be employed under the same immediate supervisor.

The Director of the Arizona Department of Administration can grant an exception to the two above prohibitions if there are no other qualified candidates at the location.

3. A supervisor or manager at any level shall not make an employment decision specifically benefitting any individual who is related within the third degree unless an exception has been granted as detailed above.

4. An employee shall not interview or serve on an interview panel of any job candidate if the candidate is related within the third degree.

See [Personnel Rule R2-5A-305](#) for details.

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Incompatible Employment

Many State employees have a second job outside or within State government. In each instance, the secondary employment must be reviewed and approved by the employing agency or department (usually at the Director or Assistant Director level) prior to granting permission for the second job. In some instances, the permission was granted during the hiring process. There are two major reasons for the review and approval process:



- A second job may jeopardize the employee's ability to perform to the agency's standards.
- The employee's secondary employment may be incompatible with or in direct conflict with the goals and objectives of the agency, department, or the State of Arizona.

See [Personnel Rule R2-5A-503](#) for details.

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Political Activity

The Arizona Revised Statutes govern the political activity of State employees. As a State employee, you are permitted to engage in the activities detailed below. However, except for expressing an opinion or going to your polling place to cast your vote pursuant to [A.R.S. § 16-402](#), you must not engage in these activities while on duty, while in uniform or at public expense.

As a State employee you **MAY**

- Express your opinion
- Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues
- Cast your vote and sign nomination or recall petitions
- Make contributions to candidates, political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates
- Circulate candidate nomination petitions or recall petitions
- Engage in activities to advocate the election or defeat of any candidate
- Solicit or encourage contributions to be made directly to candidates or campaign committees contributing to candidates or advocating the election or defeat of candidates

See [A.R.S. § 41-752](#) for details.

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Political Activity (continued)

As a State employee, you **CANNOT**

- Engage in any permitted political activities previously listed while on duty, while in uniform, or at public expense
- Solicit any employee or member of the personnel board or law enforcement merit system council to engage or not engage in permitted activities with the direct or indirect use of any threat, intimidation or coercion including threats of discrimination, reprisal, force or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation
- Subject any employee or member of the personnel board or law enforcement merit system council who is engaging in or chooses not to engage in permitted activities to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement, or compensation

See [A.R.S. § 41-752](#) for details.

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Political Activity (continued)

As a State employee, you **CANNOT***

- Use any political endorsement in connection with any appointment to a position in the State Personnel System
- Use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration
- Be a member of any national, state or local committee of a political party
- Serve as an officer or chairperson of a committee of a partisan political club
- Become a candidate for nomination or election to any paid public office
- Hold any paid, elective public office
- Take any part in the management or affairs of any political party or in the management of any partisan or nonpartisan campaign or recall effort

See [A.R.S. § 41-752](#) for details.

*Certain exemptions apply. See [A.R.S. § 41-742.F](#) for details.

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Political Activity (continued)

Note: The provisions of this statute do not apply to school board elections or community college district governing board elections and an employee may serve as a member of the governing board of a common or high school district or as a member of a community college district governing board.



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Scenario Practice

Consider this scenario:

Brent is an employee of the Department of Revenue. He has a friend who works for H & R Block. The friend offers him a part-time job at H & R Block. Brent accepts the offer and begins working after hours for his friend.

Given what you have learned about the conduct required of State employees, is Brent's conduct acceptable

☐ Yes☐ No

Scenario Practice



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Scenario Practice (continued)

Consider this scenario:

Alexis, a State employee, gives a speech at her neighborhood homeowners association meeting. At the end of the speech, she points out that the Democratic representative from their District is favorably disposed toward issues of concern to the group. She encourages the members to vote for and send contributions to this representative. At no time does Alexis represent herself as affiliated with the State of Arizona.

Is Alexis conducting herself in accordance with the standards of conduct expected of State employees?

☐ Yes

☐ No

Submit Answer

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Chapter Summary: General Conduct for State Employment

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Conflicts of Interest

This chapter covers activities that may create a conflict of interest for State employees. It is important that you remain free from influences that may unduly impact your workplace decisions, or the decisions of your agency. This means there should be no conflicts of interest. A conflict of interest may arise if you or a relative has a substantial interest in any contract, sale, purchase, or service related to a public agency.

See [A.R.S. § 38-503](#) for a more detailed explanation.



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Declaring and Refraining From Participation

If you or a relative has a substantial interest in any decision of a public agency, you are obligated to make known that interest in the official records of your agency. Additionally, in such cases you must refrain from voting or participating in contracts, sales, or purchases that may be related to the interest you or your relative may have.

See [A.R.S. § 38-503](#) for a more detailed explanation.



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Providing Items or Services

As a State employee, you cannot supply equipment, material, supplies or services to your agency unless you receive an award or contract after public competitive bidding. See [A.R.S. § 38-503](#) for specific details.



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Scenario Practice

Consider this scenario:

Mary, a State employee in the purchasing office, has a brother who owns a company that is bidding for a contract to copy microfiche for the department. Mary files a disclosure statement declaring that she has a relative bidding for a contract. She will not be involved with the award of the contract.

Are Mary's actions appropriate or inappropriate?

- ☐ **Appropriate**
☐ **Inappropriate**

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Scenario Practice (continued)

Consider this scenario:

Your father is the owner of a lumber yard in Arizona. You are assigned as part of an audit team to audit another lumber yard in Arizona. You have worked with the other auditors on the team for some time and are confident they will provide sufficient checks and balances to prevent any conflict of interest.

Should you accept the assignment?

☐ Yes

☐ No

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Chapter Summary: Conflicts of Interest

This completes the Conflicts of Interest chapter. The next chapter discusses how to maintain financial integrity. Consult with your Human Resources office if you have any questions.

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Financial Integrity

This section describes standards of conduct involving financial integrity. As a State employee, it is critical that you remain above reproach at all times. This is especially true for matters dealing with money and finances. Not only is it important for the reputation of the State and your agency, you can be held personally responsible.



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Contracting With the Government

In some private industry organizations, it's common to send an employee to a local business supply store to purchase needed items. When State agencies purchase goods or services, the agency must comply with statutes and rules which govern those purchases. Generally, State purchases are made through State contracts, entered into after a public competitive sealed bidding process. For example, purchases of office supplies, computer equipment, and office furniture are made through contracted vendors. If your duties require you to obtain goods or services for your agency, be sure you follow the proper procurement procedure.



See A.R.S. §§ 41-2501 through 41-2673
[\(Title 41, Chapter 23 of Arizona Procurement Code\)](#)
 for details.

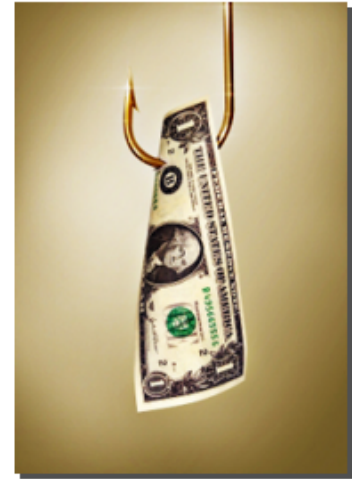
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Bribery

A State employee must **NEVER** accept a bribe of any kind. A bribe is when somebody, with corrupt intent, offers or implies some sort of benefit in an attempt to influence an outcome. Sometimes a gift may appear harmless, but it is best to be cautious when offered anything that can be seen as a benefit. Both the person offering the benefit and the person receiving can be prosecuted if it is deemed bribery.

See [A.R.S. § 13-2602](#) for a legal definition of "bribery."



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Gifts and Extra Compensation

Not all gifts are bribes. However, you are expected to remain objective in the performance of your duties and to treat all citizens equally without regard to personal favoritism. Employees who accept gifts from customers, clients, vendors, or others, risk losing their objectivity. If you receive a gift from a citizen, you should immediately report it to your supervisor. You and your supervisor will discuss the ultimate disposition of the gift. The Arizona Attorney General's Office has suggested the threshold dollar amount for gifts to an employee is approximately \$10.00. You should not accept anything more valuable.



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Misuse of Public Resources for Personal Gain

It's also important that you not misuse State resources. If an employee misuses public resources for private gain, the employee may face disciplinary action up to and including dismissal.



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Misuse of Public Resources for Personal Gain (continued)

Click on each of the following for examples of misuse of State resources.

Example #1

Example #2

Example #3

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Scenario Practice

Consider this scenario:

You attend a vendor's demonstration of computer hardware and software for your State agency. Your name is drawn for a door prize. The door prize is the newest version of a software valued at about \$150.00. Your State agency doesn't use this version and it is compatible with your computer at home, so you keep it.

Is this Appropriate or Inappropriate?

- ☐ Appropriate
- ☐ Inappropriate

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Scenario Practice (continued)

Consider this scenario:

Mark, who is currently a State employee, has Diamondback season tickets. He won't be able to attend the second game so he sends an e-mail to all of the employees in his agency, offering to sell his tickets for that particular game.

Is this Appropriate or Inappropriate?

- ☐ Appropriate
- ☐ Inappropriate

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Public Records

Much of the information in State government is public record. This means it is open to the public; however, there are important rules and guidelines for the examination of State records. It's important for you to understand and follow these rules and guidelines to ensure the proper handling and distribution of State information.

See [A.R.S. §§ 39-121](#) and [39-121.01](#) for more details.



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Public Access to Records

Public records must be made available to the public during office hours. However, when a person requests copies, printouts, or photographs of public records for a commercial purpose, the person must provide documentation stating the commercial purpose for the requested records. Upon receiving a statement, reproductions of non-confidential information can be supplied by following your agency's procedures regarding such requests.

See [A.R.S. §§ 39-121](#) and [39-121.03](#)



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Disclosure of Confidential Information

There are literally dozens of Arizona Revised Statutes pertaining to confidential information. The statutes have some factors in common.

- Only authorized State employees should have access to confidential information. Authorization and access is based on the need to know.
- Confidential information should be stored in a secure environment.
- Disclosure of confidential information will be performed by authorized employees. These employees are identified by the director of the department or agency.
- Confidential information cannot be disclosed to just anyone who requests the information. Rules of disclosure vary from agency to agency. Only those who fit the disclosure criteria for an agency will be permitted access to the requested confidential information.

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Disclosure of Confidential Information (continued)

There are many confidential information disclosure agreements between the federal government and State agencies and departments. Each agency or department that interacts with the federal government will zealously safeguard the integrity of their disclosure agreement. The penalties for violating the disclosure agreements with the federal government can have a negative monetary impact on the State of Arizona budget.

All State employees need to be aware of and strictly follow the confidentiality statutes and agreements that apply to their agency or department.



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Open Meeting Law

Arizona's Open Meeting Law requires that all in-person or virtual public body meetings, except authorized Executive Sessions, be open to the general public. This includes all legal action of public bodies. The Open Meeting Law also requires minutes be taken at all public meetings and Executive Sessions, except subcommittees or advisory committees. This law requires that a meeting agenda be provided to the public 24 hours prior to any public meeting.

See [A.R.S. § 38-431](#) for definition of terms.

See [A.R.S. § 38-431.01](#) for details about this law.

If this law is violated, any actions taken at a meeting are null and void, unless properly ratified. Persons affected by a violation can file an action and obtain civil penalties, attorneys' fees, and court injunctions against the public body or public official. If the court finds that a public officer intentionally violated the law, the court may remove that person from office.

See [A.R.S. § 38-431.05](#) for details about violations to this law.

See [A.R.S. § 38-431.07](#) for details about enforcement of this law.

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Scenario Practice

Consider this scenario:

You work in the manager's office of a small division of a large agency. A mortgage company calls and asks you to verify that an employee is in good standing in his position and not at risk of losing employment. You indicate that the employee's performance evaluations have been excellent.

Is this Appropriate or Inappropriate?

- ☐ Appropriate
- ☐ Inappropriate

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Scenario Practice (continued)

Consider this scenario:

An employee from your State agency is appointed as a new member of the Property Appraiser Education Program Advisory Committee which is a public body covered by the Open Meeting Law. The employee is invited to a lunch prior to the meeting at which most of the committee members are present. As part of the lunch conversation, the members discuss one of the topics that will be presented at the afternoon meeting.

Is this Appropriate or Inappropriate?

- ☐ Appropriate
- ☐ Inappropriate

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Chapter Summary: Public Record

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Conduct After Employment

When you leave your position, you will be subject to certain post-employment restrictions. First, an employee cannot represent another person for compensation before an agency where the employee is or was employed, or served, within the past 12 months. Also, during or after employment with the State, no employee shall disclose or use, without appropriate authorization, any information acquired by him/her in the course of official duties, which is declared confidential by law.



See [A.R.S. § 38-504](#) for details.



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State Statutes and Personnel Rules

You have reached the end of this course. You are now aware of the conduct required of State employees and officers and should be prepared to discharge your responsibilities in accordance with applicable laws and rules.

Please be aware that this course does not contain the entire listing of the State of Arizona Revised Statutes or Personnel Rules related to Standards of Conduct. The entire listing is available from the following sites:

[Arizona Revised Statutes](#)

[State Personnel System Rules](#)

You are now ready to take the final exam.



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Chapter Summary: Conduct After Employment

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